

October 2007

Campaign	
Tony Miller Office of the Secretary of State Dated: October 12, 2007 File Number I-07-120	<p>With respect to whether the Secretary of State may post on the internet via Cal-Access the addresses of political committees that file online, the letter concludes that Government Code Section 84602(d), stating that the “data made available on the Internet shall not contain the street name and building number of the persons or entity representatives listed on the electronically filed forms . . .,” does not permit the Secretary of State to post the addresses of these political committees on the internet.</p>
David Zito Save Old Solana Dated: October 12, 2007 File Number A-07-145	<p>Payments made to cover the costs of litigation, paid directly to a committee or paid to the attorney representing the committee in litigation, to challenge the validity of statements made in a ballot measure argument must be reported by the committee as contributions.</p>
Terry Nagel City of Burlingame Dated: October 15, 2007 File Number I-07-159	<p>City councilmember providing campaign materials, previously paid for by the councilmember’s campaign committee, to a third party to use in a mass mailing must report payments by the third party for the mailing as contributions. Assuming the third party does not qualify as a candidate or committee, the campaign committee is considered the sender of the mailing and the mailing must contain the name, street address, and city of the committee on the outside of each piece of mail. Additionally, campaign funds may be used to pay for the councilmember’s attendance at community events and fundraisers, provided the expenditure does not confer a direct personal benefit of more than \$200, and for flyers with emergency preparedness tips as part of an emergency preparedness/crime prevention program.</p>

Conflicts of Interest

<p>Councilmember Joel Bishop City of Dana Point Dated: September 10, 2007 File Number A-07-129</p>	<p>An interest in a town home complex including both a unit and common area is considered a single property interest. Thus, a city council member with an interest that includes common area within 500 feet of the property subject to governmental decisions has an economic interest in real property directly involved in the decisions regardless of the unit's distance from the property subject to the decisions. Because the financial effect of a decision affecting an economic interest in property within 500 feet of the governmental decision is presumed material, the council member may not participate in the decisions unless the "public generally" exception applies or he can rebut the presumption of materiality.</p> <p>Letters Superseded in Part by Munoz Advice Letter, No. I-07-129:</p> <p><i>Diaz</i> Advice Letter, No. I-06-021; <i>Thorson</i> Advice Letter, No. A-04-238; <i>Hensley</i> Advice Letter, No. A-04-168; <i>Battersby</i> Advice Letter, No. I-03-227; <i>Boga</i> Advice Letter, No. I-03-067(a); <i>Boga</i> Advice Letter, No. A-03-067; <i>Williamson</i> Advice Letter, No. A-03-078; <i>Boga</i> Advice Letter, No. A-03-047; <i>Whitson</i> Advice Letter, No. A-03-007; <i>Barker</i> Advice Letter, No. A-03-022; <i>McGrath</i> Advice Letter, No. I-02-356; <i>Boga</i> Advice Letter, No. I-01-293; <i>Kilian</i> Advice Letter, No. A-01-142; <i>Wood</i> Advice Letter, No. A-01-058; <i>Morris</i> Advice Letter, No. A-00-100; <i>Empeo</i> Advice Letter, No. A-00-107; <i>Perkins</i> Advice Letter, No. A-99-024; <i>LeRoy</i> Advice Letter, No. I-97-592; <i>Hennessy</i> Advice Letter, No. I-95-330; <i>Yang</i> Advice Letter, No. A-95-070a; <i>Field</i> Advice Letter, No. A-94-106; <i>Zundel</i> Advice Letter, No. A-93-478a; <i>Zundel</i> Advice Letter, No. A-93-478; <i>Kuhlemeier</i> Advice Letter, Nos. A-93-253, A-93-262, A-93-263, and A-93-264; <i>Etheridge</i> Advice Letter, No. A-93-143; <i>Etheridge</i> Advice Letter, No. A-93-075; <i>Haas</i> Advice Letter, No. A-92-462; <i>Haas</i> Advice Letter, No. A-92-366; <i>Calhoun</i> Advice Letter, No. A-91-298; <i>Jones</i> Advice Letter, No. A-90-715</p>
<p>Dennis Balmer Dept. of Managed Health Care Dated: October 23, 2007 File Number I-07-160</p>	<p>An Auditor for the Department of Managed Health Care may not make or participate in making governmental decisions if it is reasonably foreseeable that any such decision would have material financial effect upon any business entity in which he has an investment of \$2,000 or more.</p>

Gift	
Lt. Gov. John Garamendi Office of the Lt. Governor Dated: October 22, 2007 File Number A-07-158	<p>An official sought advice regarding payments for travel, lodging, and subsistence to the Lt. Governor in connection with his trip to Hong Kong and Shanghai, China. Based on facts presented, official was advised that payments for the Lt. Governor's airfare are reportable gifts, not subject to gift limits. Payments for admission, and refreshments and similar non-cash nominal benefits provided directly in connection with a speech, panel, or seminar, as well as <i>necessary</i> lodging and subsistence are not reportable or subject to gift limits. Payments for ground transportation, lodging and subsistence <i>not</i> connected to speeches and similar events are reportable but not subject to gift limits if: (1) they are provided in connection with a legislative or governmental purpose or to an issue of state, national, or international public policy, and (2) if they are paid for by a bona fide educational institution or a non-profit organization. All other payments are reportable gifts subject to gift limits.</p>

Revolving Door	
Gary Miller California Dept. of Transportation Dated: October 30, 2007 File Number I-07-163	<p>A designated employee with the California Department of Transportation requests information regarding the revolving door provisions of the Act. Employee has not yet left Caltrans, but plans to in the next year or two, and might work for a private company. Staff advised that the permanent ban could apply if his position with the private company involves matters on which he worked for Caltrans or any other state agency. The one-year ban looks back twelve months, and prevents him from making appearances or communicating for the purpose of influencing employee's former agency. Staff also advised that employee could not use his official position to negotiate his future employment.</p>

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Juanita G. Lira